

SAFETY INSPECTIONS FOR CITED VEHICLES

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kathleen Riebe

House Sponsor: Lee B. Perry

LONG TITLE

General Description:

This bill extends the time period for motor vehicles to be repaired after being cited by an officer.

Highlighted Provisions:

This bill:

- ▶ extends the time period for persons to repair a vehicle after being cited by a peace officer; and
- ▶ allows a peace officer to stop and inspect a vehicle that has been in an accident.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-8-209, as last amended by Laws of Utah 2017, Chapter 149

53-8-210, as last amended by Laws of Utah 2016, Chapter 348

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53-8-209** is amended to read:

53-8-209. Inspection by officers -- Certificate of inspection.

(1) A peace officer may stop, inspect, and test a vehicle at any time upon reasonable

29 cause to believe that:

30 (a) a vehicle is unsafe or not equipped as required by law; [~~or~~]

31 (b) the vehicle's equipment is not in proper adjustment or repair[~~;~~]; or

32 (c) the vehicle has been in an accident and a post accident investigation is necessary.

33 (2) (a) (i) If a vehicle is found to be in unsafe condition or any required part or
34 equipment is not present or is not in proper repair and adjustment, the officer may give a
35 written notice to the driver and shall send a copy to the division.

36 (ii) The notice shall:

37 (A) require that the vehicle be placed in safe condition and the vehicle's equipment in
38 proper repair and adjustment;

39 (B) specify the repairs and adjustments needed; and

40 (C) require that a safety inspection certificate be obtained within [~~five~~] 14 days.

41 (b) If a vehicle is, in the reasonable judgment of the peace officer, hazardous to
42 operate, the peace officer may require that the vehicle:

43 (i) not be operated under its own power; or

44 (ii) be driven to the nearest garage or other place of safety.

45 (c) (i) If the owner or driver does not comply with the notice requirements and secure a
46 safety inspection certificate within [~~five~~] 14 days, the vehicle may not be operated on the
47 highways of this state.

48 (ii) A violation of Subsection (2)(c)(i) is an infraction.

49 (3) An owner or driver of a vehicle is not guilty of an infraction and is not required to
50 pay a fee or fine if the citation was issued for:

51 (a) expired registration in violation of Section 41-1a-201, and:

52 (i) the citation was issued within two months after the expiration of the vehicle's
53 registration; and

54 (ii) the owner or driver registers the vehicle within 14 days after the citation was
55 issued; or

56 (b) a violation of Section 41-1a-205, 41-6a-1601, or 53-8-205 or any other equipment
57 related infraction under Title 41, Chapter 6a, Part 16, Vehicle Equipment, and the owner or
58 driver obtains a safety inspection, emissions inspection, or proof of repair, as applicable, within
59 14 days after the citation was issued.

60 Section 2. Section 53-8-210 is amended to read:

61 **53-8-210. Enforcement of inspection requirements.**

62 (1) A person operating a vehicle shall submit the vehicle to a safety inspection when
63 required to do so by a peace officer.

64 (2) (a) An owner or driver, upon receiving a notice as provided in Section 53-8-209,
65 shall within [~~five~~] 14 business days:

66 (i) secure a safety inspection certificate~~[, which shall be issued in duplicate, one copy~~
67 ~~to be retained by the owner or driver and the other copy to be forwarded to the division.]; and~~

68 (ii) present the certificate and the repaired vehicle to the Utah Highway Patrol for
69 verification.

70 (b) In lieu of compliance with this subsection, the vehicle may not be operated, except
71 as provided in Subsection (3).

72 (3) (a) A person may not operate any vehicle after receiving a notice from a peace
73 officer that the vehicle is in need of repair or adjustment, except that a peace officer may allow
74 the vehicle to be driven to the residence or place of business of the owner or driver or to the
75 nearest garage where repairs are available if driving the vehicle is not excessively dangerous.

76 (b) The vehicle may not be operated again on the highways until its equipment has
77 been placed in proper repair and adjustment and otherwise conforms to the requirements of this
78 part and Title 41, Chapter 6a, Traffic Code, and a safety inspection certificate is obtained as
79 promptly as possible.

80 (4) If repair or adjustment of any vehicle or its equipment is necessary, the owner of
81 the vehicle may obtain repair or adjustment at any place he may choose.